

Frequently Asked Questions

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Question 1

Where does it state that AAFES has resale authority for the Air Force.

Answer:

AFI 34-262, paragraph 2.6.1, requires agreement by AAFES before a new resale outlet can be established by Services.

Question 2

Does the Buy American Act apply to NAF purchases?

Answer:

Yes, also the Trade Agreements Act.

Question 3

Does the Buy American Act apply to resale items?

Answer:

No.

Question 4

Does the FAR apply to NAF purchases?

Answer:

No, only clauses required by law and specified in AFMAN 64-302, reference Chapter 5, paragraph 5.1.

Question 5

Does the Small Business Act apply to NAF purchases?

Answer:

No; reference AFI 64-301, attachment 2, paragraph A2.7.

Question 6

If I have a totally NAF funded requirement and send it to my base contracting office for purchase, do they use FAR guidance or our guidance to make the purchase?

Answer:

The base contracting office must use our guidance for NAF purchases; reference AFMAN 64-302, paragraph 4.2. However, stating this, it does not preclude the contracting officer from incorporating certain clauses or provisions that they think would make the award of the purchase more effective.

Question 7

What about mixed funding requirements, does the base contracting officer still use our AFMAN as the guidance?

Answer:

No, the base contracting officer will use their internal procedures as guidance including the FAR.

Question 8

Under the guidelines of Individual Service Contracts (ISC), can an instructor have an assistant working with them?

Answer:

Only if that individual is under a separate contract also. The purpose of an ISC is to contract for service from one individual only.

Question 9

Can the NAFI contract for veterinarian services on the base?

Answer:

It is the role of the Veterinary Corp Officer (VCO) to perform certain government functions like care for military working dogs, as well as services for member's pets. The human resources office would be responsible for hiring an individual for these services. Government functions are an APF requirement and NAFs should not be used to secure the performance of these functions.

Question 10

A company is considering filing Chapter 11. Do we continue issuing delivery orders against their contract?

Answer:

A Chapter 11 filing of bankruptcy is generally a debt restructuring and reorganization process for a corporation that typically results in a different corporate structure. Even if a company files Chapter 11, it may still be capable of fulfilling all aspects of the Delivery Orders we place under our contract with them.

Question 11

Can the NAFI contract with minors?

Answer:

There are several issues presented by putting a minor under contract that make it an objectionable practice. A contract with a minor is voidable at the minor's election, so you really can't bind a minor to a contract. Secondly, you may run into some child labor law violations. Parental consent may be required. For all these reasons, we do not think it is a good idea to contract with a minor.

Question 12

Can a base set up a local real estate office on the base with one of the local businesses?

Answer:

DoD policy states that MWR resale must be directly related to some authorized MWR function (DoDI 1015.10, paragraph D15) and involvement in the commercial real estate market is not an authorized MWR function.

Question 13

Do I have to obtain AAFES permission to enter into a concessionaire contract?

Answer:

Yes (reference AFI 34-262, paragraph 2.6.1)

Question 14

If I have a current concessionaire contract and it is about to expire, do I still have to get AAFES permission to enter into a new contract?

Answer:

Yes. Although you may have obtained previous permission to enter into a contract, you still must go through the same process once the contract expires.

Question 15

Can the NAFI collect the cash under a concessionaire contract and then remit to the contractor their share?

Answer:

Nothing prohibits the NAFI collecting the cash and remitting to the Contractor its share. However, if a contractor were given the right to operate a subsidiary business with the NAFI's exceptional arrangements would be necessary for the NAFI to collect the money.

Question 16

Can the contractor for Open House events sell alcoholic beverages?

Answer:

No, Services is responsible for the sale of all alcoholic beverages at these types of events reference AFI 34-262.

Question 17

Is it allowable for Services to purchase items from their prime vendor to sell to private organizations who will be running booths at an air show?

Answer:

No. Services activities may not sell goods they procure to Private Organizations (POs). POs are unofficial entities that are not permitted to avail themselves of the benefit of government NAF contracts.

Question 18

Can a government employee use office space during the lunch hour to hold a product demonstration (like Tupperware) to sell to fellow employees?

Answer:

No. The Joint Ethics Regulation (JER) states that government property may be used only for authorized purposes. Commercial ventures, even during the lunch hour, are not an authorized purpose.

Question 19

Can I contract for services of an individual instead of hiring the person on the payroll?

Answer:

DOD 1401.1-M, Personnel Policy manual for Nonappropriated Fund Instrumentalities states, "personnel service contracts may not be used to effect an appointment to a job that requires employing an individual on a continuing basis." In addition, AFMAN 34-310, Nonappropriated Fund Personnel Program Management and Administrative Procedures, paragraph 3.15, states individual service contracts may not be used to effect an appointment to a position that requires employing an individual on a continuing basis. It may be possible to contract with an entity under a non-personal services contract for particular services or potentially a concessionaire contract, depending upon the services required.

Question 20

We are looking at leasing condos for the timeframe of June through September. Can we (Services) do this or does GSA do this?

Answer:

GSA's involvement is not required for us to lease real property with NAFs under this particular circumstance. Please refer to AFI 34-201, paragraph 6.5 for instructions on the process for leasing real property.

Question 21

We have contracted for an instructor who will be teaching individuals under the age of 18. Is a National Agency Check (NAC) required for this individual?

Answer:

Yes, all existing and newly hired individuals (to include contractors and employees) in Air Force facilities who are involved with children under the age of 18 are required to have criminal history background checks (DoDI 1402.5, paragraph 1.3).

Question 22

What if they have not had a NAC and are waiting for one; can someone else be present while they are instructing?

Answer:

Yes, provisional hires may occur; however, the person-whether employee or contractor or other,must be within sight and under the supervision of a staff person whose background check has been successfully completed until the new hire's own check is successfully completed (DoDI 1402.5, paragraph 1.4).

Question 23

Can we use IMPAC as a method of payment?

Answer:

A NAF Contracting Officer may use the IMPAC card as a method of payment against a written order (ref. AFMAN 64-302, para 9.4.2). When writing a Nonappropriated Fund Order of Supplies or Services, fill in the required areas. This may be done on purchase orders and delivery orders up to the limit of your warrant. At the award screen, change the payment terms to IMPAC, which will print in Block #10. Attach a note to your order (after the last line item) telling the company to call you for your IMPAC number. The system will assign the order number as usual which will go in Block #1.